



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JJD
F.#2010R00014

*United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454*

September 23, 2010

By ECF and Regular Mail

ATTACHED DISTRIBUTION LIST

Re: United States v. Prado *et al.*
Criminal Docket No. 10-074 (S-2) (JFB)

Dear Counsel:

Pursuant to our on-going discovery obligations under Rule 16, the government has sent the items listed below to First Choice Copy for duplication. The items were sent by Federal Express today and should be available for order early next week. If you would like to order copies of these disks, please contact Joseph Misner at First Choice Copy at (718) 381-1480.

Additionally, pursuant United States District Judge Joseph F. Bianco's prior order, the government will send a copy of this letter and one set of the attached materials to both the Nassau County Correctional Center and the Queens Private Correctional Facility.

Finally, please be advised that, as noted below, several of these Rule 16 items are subject to the Protective Order signed by Judge Bianco on September 20, 2010, a copy of which is attached hereto.

1. A DVD with call detail records and subscriber information for the following telephone numbers: (240) 350-4223, (443) 378-1808, (443) 768-3570 and (516) 543-8259 ("Disk-14").
2. A DVD with call detail records, subscriber information and cell site records for the following telephone numbers: (516) 813-8029, (516) 244-0046, (347) 925-2416, (347) 935-5423 and (631) 297-4730 ("Disk-15").

3. A DVD with cell site records for (631) 252-8398 ("Disk-16").
4. Three DVDs with crime scene photographs from the March 17, 2010 murder of Mario Alberto Canton Quijada in Far Rockaway, New York ("Disk-17," "Disk-18" and "Disk-19," respectively).
5. A DVD with photographs of the autopsy of Mario Alberto Canton Quijada ("Disk-20").
6. A DVD with surveillance video footage from an apartment building in Far Rockaway, New York on March 16-17, 2010 ("Disk-21").
7. A DVD with crime scene and victim photographs from the February 17, 2010 murder of David Sandler and attempted murder of John Doe #8 (as defined in the second superseding indictment) in Brentwood, New York ("Disk-22").
8. Two DVDs with audio recordings of conversations involving, among others, Mario Alphonso Herrara-Umanzor ("Disk-23" and "Disk-24," respectively). **SUBJECT TO PROTECTIVE ORDER.**
9. A DVD with audio recordings of conversations involving, among others, Jose Gustavo Orellana-Torres ("Disk-25"). **SUBJECT TO PROTECTIVE ORDER.**
10. A DVD with a video recording of an October 23, 2008 meeting at the Nassau County Correctional Center between Yanes Acosta-Yanes and Diego Ninos ("Disk-26").
11. A DVD with scanned copies of the following redacted documents: (a) property invoice forms prepared by the New York City Police Department in connection with the murder of Mario Alberto Canton Quijada; (b) a Firearms Examination Report and property invoice forms regarding a Bryco/Jennings .22 caliber semi-automatic handgun and .22 caliber ammunition; (c) an autopsy report, toxicology report and death certificate for Mario Alberto Canton Quijada; (d) photographs of the crime scene, injuries received by John Doe #6 (as defined in the second superseding indictment) during the May 30, 2010 attack, and the baseball bat used in the attack; (e) a property invoice form for that baseball bat; (f) August 30, 2008 photos of Diego Ninos and a vehicle; (g) reports and

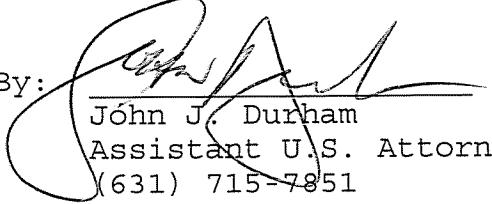
property invoice forms relating to a .380 caliber semi-automatic handgun and ammunition seized from Diego Ninos, Yanes Acosta-Yanes and Cesar Landaverde on October 11, 2008; (h) Nassau County Police Department reports for certain quantities of cocaine seized on April 11, 2008, August 20, 2008 and August 27, 2008; and (i) photographs of several of the defendants ("Disk-27").

Further, the government is in possession of the following, additional physical evidence in connection with this case: (a) the aluminum baseball bat used in the May 30, 2010 assault of John Doe #6; (b) cellular telephones seized from a number of the defendants at the time of arrest; and (c) the physical items in the attached property invoice forms. You may contact me to specify the items you would like to inspect and/or photograph and we will arrange a mutually convenient time to do so.

The government renews its request for reciprocal discovery.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: 

John J. Durham
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Attachments

cc: Clerk of the Court (JFB) (By ECF)

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

O R D E R

- against -

Cr. No. 10-CR-074 (S-2) (JFB)

PRADO et al.,

Defendants.

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Upon the application of LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, by Assistant United States Attorney JOHN J. DURHAM, it is hereby:

ORDERED that counsel for the defendants, or anyone acting under the direction of defense counsel, may not reproduce, distribute or otherwise disseminate the materials provided pursuant to Rule 16 of the Federal Rules of Criminal Procedure in connection with the above-referenced matter that disclose the identity of confidential informants or cooperating defendants (the "Rule 16 Materials"), including without limitation audio and video recordings. When disclosed by the government to defense counsel, the Rule 16 Materials, which are subject to this Order, will be marked or noted as "Subject to Protective Order";

ORDERED that the defendants not be permitted to bring the Rule 16 materials, or copies thereof, back to the institutions where they are incarcerated, except the defendants may review the Rule 16 Materials provided to those institutions

by the government, at the direction of the Court, in the areas designated by the institutions, but in no event shall the defendants be permitted to remove the Rule 16 Materials from the designated areas or retain copies of those materials; and

ORDERED that nothing in this Order shall prohibit: (a) defense counsel from reproducing and sharing the Rule 16 Materials with others acting under the direction of defense counsel; or (b) defense counsel, or others acting under the direction of defense counsel, from displaying or discussing the content of such Rule 16 Materials with other persons; provided however, that the restrictions set forth in this Order shall apply to those individuals acting under the direction of defense counsel.

Dated: Central Islip, New York
September 30, 2010

THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK